

GUZOV OFSINK, LLC
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*Attorneys for Plaintiff
Midas Fund, Inc.*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MIDAS FUND, INC.

Plaintiff,

- against -

GAMMON GOLD, INC., FRED GEORGE,
BRADLEY LANGILLE, RUSSELL BARWICK,
COLIN SUTHERLAND, BMO NESBITT BURNS
INC., SCOTIA CAPITAL INC., and TD
SECURITIES INC.

Defendants.

Index No. 07 CV 6707 (NRB)

**DECLARATION OF DAVID J.
KAPLAN IN OPPOSITION TO
DEFENDANTS' MOTIONS TO
DISMISS**

DAVID J. KAPLAN, an attorney admitted to the bar of the State of New York and this Court, states that the following is true under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am associated with Guzov Ofsink LLC, counsel to Plaintiff Midas Fund, Inc. ("Midas") in the above-captioned action. I submit this declaration in opposition to the separate motions to dismiss filed by all Defendants.
2. Annexed as Exhibit A to this Declaration is a true and correct copy of a press release dated November 12, 2007 issued by defendant Gammon Gold,

Inc. “(Gammon)”.

3. Annexed as Exhibit B to this Declaration is a true and correct copy of a press release dated January 21, 2008 issued by Gammon.

4. Annexed as Exhibit C to this Declaration are true and correct copies of trade confirmations reflecting Midas’s disposal of all shares in Gammon it purchased in connection with Gammon’s April 2007 public offering.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: January 25, 2008

_____/s/ David J. Kaplan
David J. Kaplan